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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EKONG, EMEM	
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			2688	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/702,217	NUMMINEN ET AL.	
	Examiner EMEM EKONG	Art Unit 2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 November 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 November 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/15/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed on 10/26/2005 have been considered but are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a

later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6006091 to Lupien in view of U.S. Patent No. 6597921 B2 to Thandu.

Regarding claim 1, Lupien discloses a method for correcting/adapting terminal errors in a cellular system comprising the steps of: sending a control/report signal to a network of the cellular system by a user equipment or terminal of the cellular system for initiating setup procedures, said control/report signal is indicative of a version of a bit map (col. 8 lines 26-42) supporting error correcting functionalities (see table 2, i.e. FACCH/SACCH ARQ map) of the terminal (see figure 1, table 2, abstract, col. 1 lines 9-13, col. 1 line 60- col. 2 line 38, and col. 8 line 50-col. 9 line 5);

performing the setup procedures at the terminal using instructions contained in a command/information signal while waiting for the new bit map related information from the network for completing said procedures (col. 5 lines 55-67, and col. 6 lines 1-11); and

completing the setup procedures by the terminal using further instructions contained in the command/information signal sent by the network, wherein said instructions are configured by the network based on a new bit map signal generated by the network (col. 6 lines 18-57).

However, Lupien fails to specifically disclose determining by the network whether new bit map related information is required for completing the setup procedures by the terminal.

In a similar field of endeavor, Thandu discloses determining by the network whether new bit map related information is required for completing the setup procedures by the terminal (col. 2 lines 50-63, col. 3 lines 2-20, col. 4 lines 49-59, and col. 8 lines 27-38)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lupien, and have the network determine whether new bit map related information is required for completing the setup procedures by the terminal for the purpose of properly allocating resources (as discussed by Thandu, col. 3 lines 15-20).

Regarding claim 18, Lupien discloses a cellular system utilizing a special procedure for correcting/adapting terminal errors, comprising (abstract):

a terminal or user equipment, for providing a control/report signal which is indicative of a version of a bit map (col. 8 lines 26-42) supporting error correcting functionalities (see table 2, i.e. FACCH/SACCH ARQ map) of the terminal, responsive to a command/information signal for performing setup procedures of the terminal (see figure 1, table 2, abstract, col. 1 lines 9-13, col. 1 line 60- col. 2 line 38, col.4 lines 51-65, and col. 8 line 50-col.9 line 5); and

a network, responsive to said control/report signal, using said control/report signal (col. 5 lines 4-6, col. 9 lines 6-50), for providing said

command/information signal to the terminal using information contained in said control/report signal (col. 6 lines 1-11) and after said determination using a new bit map signal generated by the network (col. 6 lines 18-57).

However, Lupien fails to specifically disclose a network for determining if new bit map related information is required for completing the setup procedures by the terminal.

Thandu discloses a network for determining if new bit map related information is required for completing the setup procedures by the terminal (col. 2 lines 50-63, col. 3 lines 2-20, col. 4 lines 49-59, and col. 8 lines 27-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lupien, and have a network for determining if new bit map related information is required for completing the setup procedures by the terminal for the purpose of properly allocating resources (as discussed by Thandu, col. 3 lines 15-20).

6. Claims 3-9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien, Thandu, and further in view of U.S. Publication No. 2003/0100291 A1 Krishnarajah.

Regarding claim 3-9, the combination of Lupien and Thandu discloses the method of claim 1, wherein the command/information signal is a radio bearer setup signal and the network receiving new bit map signal from terminal (table 2, col. 5 lines 4-6, col. 6 lines 55-60, and col. 9 lines 6-50).

However, the combination fails to disclose wherein the command/information signal is a measurement control signal and the step of completing the setup procedures comprising the steps of: configuring by the network and sending said security mode command signal to the UE; and performing a security mode setup by the terminal using said security mode command signal;

and the step of completing the setup procedures comprising the steps of: configuring by the network and sending said radio bearer setup signal to the UE; and completing a bearer setup by the terminal using said radio bearer setup signal;

wherein the cellular system is a universal mobile telecommunications system;

the network comprises a universal terrestrial radio access network and a core network;

the universal terrestrial radio access network comprises a serving radio network controller;

wherein the command/information signal is a security mode command signal, which is sent to the terminal by the serving radio network controller; said security mode command signal is generated by the serving radio network controller;

radio bearer setup signal is sent to the terminal by the serving radio network controller, said radio bearer setup signal is generated by the serving radio network controller.

Krishnarajah discloses the method wherein the command/information signal is a measurement control signal and the step of completing the setup procedures comprising the steps of: configuring by the network and sending said security mode command signal to the UE; and performing a security mode setup by the terminal using said security mode command signal (see figures 4,5,6, and 8, abstract, paragraphs 0011, 0016-0018, 0035-0039);

and the step of completing the setup procedures comprising the steps of: configuring by the network and sending said radio bearer setup signal to the UE; and completing a bearer setup by the terminal using said radio bearer setup signal (see figure 3 and paragraphs 0005-0007);

wherein the cellular system is a universal mobile telecommunications system (reads on claim 5),

the network comprises a universal terrestrial radio access network and a core network (reads on claim 6);

the universal terrestrial radio access network comprises a serving radio network controller (reads on claim 7) (see figures 1 and 2, and paragraph 0003);

wherein the command/information signal is a security mode command signal, which is sent to the terminal by the serving radio network controller; said security mode command signal is generated by the serving radio network controller (see figure 4, and paragraphs 0011-0013 and 0016);

radio bearer setup signal is sent to the terminal by the serving radio network controller, said radio bearer setup signal is generated by the serving

radio network controller (see figure 3 and paragraphs 0005-0007, and 0013-0017).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination and have the command/information signal be measurement control signal and the step of completing the setup procedures comprising the steps of: configuring by the network and sending said security mode command signal to the UE; and performing a security mode setup by the terminal using said security mode command signal for the purpose of protecting the security of communication between a terminal and a network.

Regarding claim 19, the combination of Lupien and Thandu discloses the cellular system of the claim 18, wherein the network comprising: network, responsive to the new bit map signal and to the control/report signal, for determining if new bit map related information is required for completing the setup procedures by the terminal using said control/report signal, for providing said command/information signal to the terminal before said determination using information contained in said control/report signal and after said determination using the new bit map signal generated by the network; and

a core network, responsive to the control/report signal, for generating the new bit map signal, and for providing the new bit map signal (see figure 1, tables 2, and 3, abstract, col. 1 lines 9-13, col. 1 line 60- col. 2 line 38, col.4 lines 51-65,

col. 5 lines 4-6, col. 6 lines 55-60, col. 8 line 50-col. 9 line 5, and col. 9 lines 6-50).

However, the combination fails to disclose network comprising: a universal terrestrial radio access network, responsive to a common ID (IMSI) signal, and a core network providing the common ID (IMSI) signal to the universal terrestrial radio access network.

Krishnarajah discloses the cellular system wherein the network comprising: a universal terrestrial radio access network, responsive to a common ID (IMSI) signal (see figures 1 and 2, and paragraph 0012), and a core network providing the common ID (IMSI) signal to the universal terrestrial radio access network (paragraphs 0012, and 0013).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention of the combination and have network comprising: a universal terrestrial radio access network, responsive to a common ID (IMSI) signal, and a core network providing the common ID (IMSI) signal to the universal terrestrial radio access network for the purpose of authentication of a terminal as taught by Krisnarajah.

7. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien, in view of Thandu, as applied to claim 1 above, and further in view of U.S. Patent. No. 6,782,274 B1 to Jae-Hong Park (Park et al.).

Regarding claim 2, the combination of Lupein and Thandu discloses the method of claim 1.

However, the combination fails to disclose the method wherein the control/report signal also can contain an international mobile station equipment and software version number (IMEISV).

Park discloses the method the control/report signal also can contain an international mobile station equipment and software version number (IMEISV) (see figure 15A and col.19 lines 41-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Lupien and Thandu with Park for the purpose of terminal or user identification in a network.

8. **Claims 10-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien in view of Thandu, and further in view of Krishnarajah as applied to claim 7 above, and further in view of U.S. Pub. No. 20040203714 A1 to Gert-Jan Van Lieshout (Van Lieshout) et al.

Regarding claims 10-12, the combination of Lupien, Thandu, and Krishnarajah discloses the method of claim 7, and determining by the network (11) if the new bit map related information is required for completing the setup procedures (Lupien, col. 5 lines 4-6, col. 9 lines 6-50).

However, the combination fails to specifically disclose wherein control/report signal is a RACH RRC connection request signal, which is sent to the serving radio network controller (claim 10),

determining by the network whether the new bit map related information is required for completing the setup procedures by the terminal is performed by the

serving radio network controller upon receiving and based on the RACH RRC connection request signal (claim 11);

after the step of determining by the network if the new bit map related information is required, further comprising the steps of:

sending a FACH RRC connection setup signal, based on the RACH RRC connection request signal, to the terminal by the serving radio network controller;

setting up a connection by the terminal using the FACH RRC connection setup signal based on the FACH RRC connection setup signal; and sending a DCH RRC connection setup complete signal to the serving radio network controller by the terminal (claim 12).

Van Lieshout discloses the method wherein control/report signal is a RACH RRC connection request signal, which is sent to the serving radio network controller (reads on claim 10) (paragraph 0022);

determining by the network whether the new bit map related information is required for completing the setup procedures by the terminal is performed by the serving radio network controller upon receiving and based on the RACH RRC connection request signal (reads on claim 11) (paragraph 0022);

after the step of determining by the network if the new bit map related information is required, further comprising the steps of: sending a FACH RRC connection setup signal, based on the RACH RRC connection request signal, to the terminal by the serving radio network controller; setting up a connection by the terminal using the FACH RRC connection setup signal based on the FACH RRC connection setup signal; and sending a DCH RRC connection setup

complete signal to the serving radio network controller by the terminal (reads on claim 12) (paragraphs 0014, 0018, 0022 -0033).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Lupien, Thandu, and Krishnarajah with the teachings of Van Lieshout so that different channels are allotted for signal transmission between terminal, serving radio network controller and core network for the purpose of efficiency.

9. **Claims 13, and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien, in view of Thandu, and further in view of Krishnarajah, and further in view of Van Lieshout, as applied to claim 12 above, and further in view of Park et al.

Regarding claims 13 and 14, the combination of Lupien, Thandu, Krishnarajah, and Van Lieshout discloses the method of claim 12, further comprising the steps of: sending an RRC initial direct transfer signal to the universal serving radio network controller (network) by the terminal, said RRC initial direct transfer signal, if it is determined that the new bit map related information is required (reads on claim 13) (Lupien, see figures 1 and 2, abstract, and col. 5 line 30-col. 7 line 30),

sending an RRC initial UE message signal to the core network (16) (network) by the terminal, said RRC initial UE message signal contains a request for a new bit map (reads on claim 13) (Lupien, see tables 2 and 3, and col. 5 line 30-col. 7 line 30);

the step of performing the setup procedures at the terminal, while waiting for the bit map related information from the network, and the new bit map signal generated by the core network (reads on claim 14) (Lupien, see col. 5 line 30-col. 7 line 30).

However, the combination fails to disclose sending a measurement control signal to the terminal by the serving radio network controller (claim 13),

the step of performing the setup procedures at the terminal, while waiting for the bit map related information from the network, is performed by configuring measurement configurations based on the measurement control signal by the terminal (claim 14);

Krishnarajah discloses sending a measurement control signal to the terminal by the serving radio network controller,

the step of performing the setup procedures at the terminal, as performed by configuring measurement configurations based on the measurement control signal by the terminal (reads on claim 13) (abstract, figures 5, and 6, paragraphs 0016-0018, and 0035-0039),

that RRC initial direct transfer signal contains an international mobile station equipment and software version (IMEISV) number; UE message signal (22) to the core network by the terminal contains a request for the international mobile station equipment and software version (IMEISV) number (reads on claim 13) (paragraphs 0012 and 0013);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination with the further teachings of Krishnarajah for the purpose of identification and security in the network.

However, the combination fails to specifically disclose an international mobile station equipment and software version (IMEISV) number; (claim 13);

Park et al. discloses an international mobile station equipment and software version (IMEISV) number (reads on claim 13) (see figure 15A and col. 14 lines 43-52, col. 19 lines 41-50);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Lupien, Thandu, Krishnarajah, and Van Lieshout with Park et al. for the purpose of identifying a terminal in a network.

10. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien in view of Thandu, and further in view of Krishnarajah, and further in view of Van Lieshout, and further in view of Park et al., as applied to claim 14 above, and further in view of U.S. Patent. No. 6859441 B2 to Stephen G. Dick (Dick et al.).

Regarding claim 15, the combination of Lupien, Thandu, Krishnarajah, Van Lieshout, and Park et al. discloses the method of claim 14 above, and the generation of new bit map signal by the core network (network) (Lupien, col. 7 line 12- col. 8 line 40)

However, the combination fails to disclose the steps of sending a common ID (IMSI) signal generated by the core network to the serving radio network controller by the core network.

Krishnarajah discloses the steps of sending a common ID (IMSI) signal generated by the core network to the serving radio network controller by the core network (paragraphs 0012 and 0013);

determining by the serving radio network controller if the new bit map signal has to be converted to match the international mobile station equipment and software version (IMEISV) number of the terminal; and converting the new bit map signal to match the international mobile station equipment and software version (IMEISV) number of the terminal by the serving radio network controller (paragraphs 0012, 0013, and 0016),

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Lupien, Thandu, Krishnarajah, Van Lieshout, and Park et al. with the further teachings of Krishnarajah for the purpose of terminal identification in a network.

However, the modified combination fails to disclose delaying further setup procedures of the terminal until generating the new bit map signal by the core network, if it is determined that said new bit map signal is required;

Dick et al. discloses delaying further setup procedures of the terminal until generating the new bit map signal by the core network (controller) (col.2 line 43 – col.3 line 40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Lupien, Thandu, Krishnarajah, Van Lieshout, and Park et al. with the teachings of Dick et al. for the purpose of using an updated bit map signal for further setup procedures of the terminal.

11. **Claims 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien in view of Thandu, and further in view of Krishnarajah as applied to claim 7 above, and further in view of Dick et al.

Regarding claim 16, the combination of Lupien, Thandu, and Krishnarajah discloses the method of claim 7, and a new bit map signal generated by the core network (i.e. network) (Lupien, col. 7 lines 10-30 and col. 8 lines 37-40).

However, the combination fails to disclose the new bit map signal generated by the core network to the serving radio network controller by the core network,

and delaying further setup procedures of the terminal until generating the new bit map signal by the core network, if it is determined that said new bit map signal is required;

Krishnarajah discloses a core network and serving radio network controller (see figures 1 and 2), after the step of performing the setup procedures at the terminal, further comprising the steps of: sending a common ID (IMSI) signal

generated by the core network, to the serving radio network controller (paragraphs 0012 and 0013).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lupien, Thandu, and Krishnarajah with the further teachings of Krishnarajah for the purpose of identification and authentication.

However, the modified combination fails to disclose delaying further setup procedures of the terminal until generating the new bit map signal by the core network, if it is determined that said new bit map signal is required.

Dick et al. discloses delaying further setup procedures of the terminal until generating the new bit map signal (access control modification signals) by the core network (controller) (col. 2 line 43- col. 3 line 40),

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the modified combination of Lupien, Thandu, and Krishnarajah with Dick et al. by delaying the setup procedures until generated new bit map signal is received from core network for the purpose of using updated bit map signal for further setup procedure.

Regarding claim 17, the combination of Lupien, Thandu, Krishnarajah, and Dick et al. discloses the method of claim 16, wherein a new bit map signal is generated by network an error database block of the core network (Lupien, see table 3, col. 7 lines 12-50, and col. 8 lines 26-48).

However, the combination fails to disclose wherein the new bit map signal is generated using a core network protocol block.

Krishnarajah discloses core network protocol (see figure 3, and paragraph 0005).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Lupien, Thandu, Krishnarajah and Dick et al. with the further teachings of Krishnarajah by adding a core network protocol block for the purpose of generating a new bit map.

12. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien in view of Thandu, and further in view of Park et al.

Regarding claim 20, the combination of Lupein and Thandu, discloses the cellular system of claim 18. However, the combination fails to disclose the method wherein the control/report signal also can contain an international mobile station equipment and software version number (IMEISV).

Park discloses the method wherein the control/report signal can also contain an international mobile station equipment and software version number (IMEISV) (see figure 15A and col.19 lines 41-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination and have the control/report signal also contain an international mobile station equipment and software version number (IMEISV) with the teachings of Park for the purpose of terminal identification in a network.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571 272 7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EOE
12/23/05

Nick Corsaro
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PRIMARY EXAMINER